

SENATE BILL REPORT

2SHB 2216

As Reported by Senate Committee On:
Judiciary, February 23, 2012
Ways & Means, February 27, 2012

Title: An act relating to vehicular homicide and vehicular assault sentences.

Brief Description: Increasing penalties for vehicular homicide and vehicular assault.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune and Kristiansen).

Brief History: Passed House: 2/13/12, 98-0.

Committee Activity: Judiciary: 2/21/12, 2/22/12, 2/23/12 [DP].
Ways & Means: 2/27/12 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Padden, Regala and Roach.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Brown, Conway, Fraser, Harper, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Padden, Pridemore, Regala, Schoesler and Tom.

Staff: Richard Ramsey (786-7412)

Background: A person commits the crime of vehicular homicide if the person's driving of a vehicle proximately causes the death of another person and if the person was driving the vehicle: (1) while under the influence of alcohol or drugs; (2) in a reckless manner; or (3) with disregard for the safety of others. Vehicular homicide is a class A felony in all three

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instances. Vehicular homicide while driving under the influence of alcohol or drugs is ranked at level of IX under the Sentencing Reform Act. A person convicted of the crime who has no prior offenses that count towards the offender score would receive a standard sentence range of 31-41 months incarceration and/or up to a \$50,000 fine. Vehicular homicide by operating a motor vehicle in a reckless manner is ranked at level VIII and vehicular homicide by disregard for the safety of others is ranked at level VII.

Summary of Bill: The seriousness level of vehicular homicide while driving under the influence of alcohol or drugs is increased from a level IX to level XI, resulting in a standard sentence range of 78-102 months for a person with no prior offenses.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Judiciary): PRO: Any one of us could become a victim of this crime. With earned early release, the current punishment is not long enough to provide adequate punishment or protection. A jail cell is 100 percent effective in preventing a person from driving drunk. The bill creates a sentence that provides more justice and sends a message that the crime is taken seriously. This crime is affecting too many families. It needs to be punished as the violent crime that it is. Victims' families get two shocks. First, they get contacted by law enforcement to tell them that their loved one has been killed by a drunk driver. Second, they meet with the prosecuting attorney and they learn that the criminal penalty is inadequate.

Persons Testifying (Judiciary): PRO: Dan Satterberg, King County Prosecuting Attorney; Mark Lindquist, Pierce County Prosecuting Attorney; Frank Blair, citizen.

Staff Summary of Public Testimony (Ways & Means): PRO: The bill has been narrowed considerably to mitigate the fiscal impact; it now only addresses vehicular homicide for people who drive drunk. There's nothing less to do than pass this bill.

Persons Testifying (Ways & Means): PRO: Tom McBride, WA Assn. of Prosecuting Attorneys.